

ASSEMBLY BILL

No. 928

Introduced by Assembly Member Pacheco

February 20, 2003

An act to add Section 487.8 to the Penal Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 928, as introduced, Pacheco. Theft: vessels.

(1) Existing law contains various provisions establishing the crime of theft.

This bill would make it a misdemeanor or felony for a person to operate or take a vessel not his or her own, without the consent of the owner, and with the intent either to permanently or temporarily deprive the owner of title to, or possession of, the vessel, whether with or without intent to steal the vessel, or any person who is a party or an accessory or accomplice in that unlawful operation of, or unauthorized taking or stealing of, the vessel.

The bill would make the above offense exclusively a felony when the vessel is distinctively marked as a law enforcement or fire department vessel, as described.

The bill would provide for enhanced sanctions where previous felony convictions are involved.

Since this bill would create a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 487.8 is added to the Penal Code, to
2 read:

3 487.8. (a) A person who operates or takes a vessel not his or
4 her own, without the consent of the owner, and with the intent
5 either to permanently or temporarily deprive the owner of his or
6 her title to, or possession of, the vessel, whether with or without
7 the intent to steal the vessel, or a person who is a party or an
8 accessory to or an accomplice in the operation or unauthorized
9 taking or stealing of a vessel, is guilty of a public offense. Upon
10 conviction of that offense, the person is punishable by
11 imprisonment in a county jail for not more than one year or in the
12 state prison or by a fine of not more than five thousand dollars
13 (\$5,000), or by both that fine and imprisonment.

14 (b) If the vessel is a distinctively marked vessel of a law
15 enforcement agency or fire department, and is taken while the
16 vessel is on an emergency call and this fact is known to the person
17 operating or taking, or any person who is a party or an accessory
18 to, or an accomplice in, the operation or the unauthorized taking
19 or stealing, or this fact is known or should reasonably have been
20 known to the person operating or taking, or any person who is party
21 or an accessory in the operation or the unauthorized taking or
22 stealing, the offense is a felony punishable by imprisonment in the
23 state prison for two, three, or four years or by a fine of not more
24 than ten thousand dollars (\$10,000), or by both the fine and
25 imprisonment.

26 (c) In any prosecution for a violation of subdivision (a) or (b),
27 the consent of the owner of a vessel to its taking or operating may
28 not in any case be presumed or implied because of the owner's
29 consent on a previous occasion to the taking or operating of the
30 vessel by the same or a different person.

31 (d) The existence of a fact that makes subdivision (b)
32 applicable shall be alleged in the accusatory pleading, and either
33 admitted by the defendant in open court, or found to be true by the

1 jury trying the issue of guilt or by the court where guilt is
2 established by plea of guilty or nolo contendere or by trial by the
3 court sitting without a jury.

4 (e) A person who has been convicted of one or more previous
5 felony violations of this section, or felony grand theft of a vessel
6 in violation of Section 487 is punishable as set forth in Section
7 666.5. The existence of any fact that would bring a person under
8 Section 666.5 shall be alleged in the information or indictment and
9 either admitted by the defendant in open court, or found to be true
10 by the jury trying the issue of guilt or by the court where guilt is
11 established by a plea of guilty or nolo contendere, or by trial by the
12 court sitting without a jury.

13 (f) As used in this section, “vessel” has the same meaning as
14 that term is defined in Section 21 of the Harbors and Navigation
15 Code.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

